

Court of Appeals, State of Michigan

ORDER

Fieldglass Inc. v Anserteam LLC

Docket No. 302461

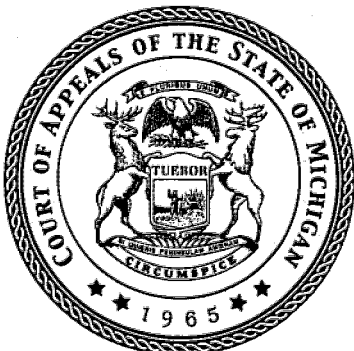
LC No. 10-001979-CK

William B. Murphy, C.J.
Presiding Judge

Jane E. Markey

Jane M. Beckering
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the application for leave to appeal, the Court VACATES the January 19, 2011 order setting aside the default judgment, and REMANDS for a determination under the correct analytical framework. The parties and the trial court proceeded under the court rule applicable to corporations when arguing and determining whether defendant had been properly served, and thus, whether good cause for setting aside the default judgment was established. Defendant is identified as a limited liability company in the pleadings. MCR 2.105(D), the rule for service of process on corporations, is not also applicable to service of process on limited liability companies. Service on limited liability companies is governed by MCR 2.105(H)(1) and MCL 450.4207(2), and under them, service on a limited liability company must be on its registered agent. *Bullington v Corbell*, ___ Mich App ___; ___ NW2d ___ (issued, August 16, 2011) (Docket No. 297665). Furthermore, defendant told the trial court that its resident agent was not appointed until October 2010, and the website of the Michigan Department of Licensing and Regulatory Affairs indicates that defendant was formed as a limited liability company on October 14, 2010, which is approximately two months after service on it was attempted. Until the court determines defendant's nature at the time service was attempted, whether the complaint and summons were properly served cannot be determined, and until the service of process question is answered, the question of whether defendant established good cause for setting aside the default cannot be resolved. We do not retain jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

OCT 12 2011

Date


Chief Clerk